



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*me*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,008	10/03/2000	Giorgio Trani	M1025/7004	4545

21127 7590 12/30/2003

KUDIRKA & JOBSE, LLP  
ONE STATE STREET  
SUITE 800  
BOSTON, MA 02109

EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/30/2003

*hr*

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 22

Application Number: 09/678,008  
Filing Date: October 03, 2000  
Appellant(s): TRANI ET AL.

---

Lawrence Oliverio  
For Appellant

**MAILED**  
**DEC 3 0 2003**  
**GROUP 3700**

**EXAMINER'S ANSWER**

Art Unit: 3721

This is in response to the appeal brief filed 10/16/2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The patentability of claims 5-12 stand or fall together.

The patentability of claim 13 stand of fall as a group.

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

Art Unit: 3721

1,115,636

Schneider et al.

5/1968

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (Great Britain patent 1,115,636).

Schneider discloses a method for manufacturing an inherently stable container made of flexible material comprising the steps of folding a continuous film of flexible material of appropriate width to obtain a pouch having a longitudinal heat seal (Fig. 10, via 20 and 30) and by way of evenly spaced transverse heat seals (Fig. 10, via 34), followed by cropping the folded film in a direction transverse to the longitudinal heat seal (Figs. 19 and 20; via sealing head 51); heat sealing in sides of the pouch at a region of the transverse heat seals, forming two triangles having wings laterally disposed relative to the longitudinal heat seal (Figs. 10-13; via heat seal 30), each of which has a base which coincides with one edge of the pouch and a vertex which wedges inwards said pouch (Fig. 12, via 38); punch opening said pouch and optionally filling the pouch with a product (Figs. 10 and 11); folding and bonding the wings laterally relative to the longitudinal heat seal (Figs. 10 and 19) and after filling the pouch simultaneously with the bonding of the wings heat sealing an upper open mouth of the pouch (Figs. 10, 14, and 16).

Art Unit: 3721

Regarding claim 6: wherein in the first step the film is folded so as to form the pouch (Fig. 10), which is closed longitudinally by heat sealing (via 30) overlapping flaps of the film, the heat sealing being preferably located at a center of one of two flat faces of the pouch (Fig. 10).

Regarding claim 7: wherein a longitudinal dimension of the pouch is determined by way of transverse heat seals (Fig. 10, via 34).

Regarding claim 8: the heat sealing of the triangles comprises heat sealing of two overlapping sheets of flexible material that constitute the pouch so as to form at the base the two triangles with vertex wedging inside the pouch (Figs. 14-20).

Regarding claim 9: forming ribs during the step for forming the heat sealed triangles, see for example (Figs. 13-20).

Regarding claim 10: during filling of the pouch with product a substantially flat base forms (Figs. 11 and 13).

Regarding claim 11: wherein following the filling step the wings are folded toward the container and are retained thereon (Figs. 19 and 20).

Regarding claim 12: insertion of the heat sealed triangles inside the container by way of pushing means (via 51) which push the triangles from the outside inward (Figs. 19 and 20).

**(11) Response to Argument**

Appellants contend that in claim 5 after the seals/seams are formed, step (b) of claim 5 calls for “forming two triangles having wings laterally disposed relative to the longitudinal heat seal.” And in step (d), claim 5 calls for “folding and bonding the wings laterally relative to the longitudinal heat seal.” Similar step (b) of claim 13 calls for “heat-sealing two triangles having

Art Unit: 3721


wings into sides of the pouch lateral to the longitudinal heat-seal” and in the same step (b), the wings are recited as “having a base which coincides with one edge of the pouch and a vertex which wedges inwards said pouch lateral to the longitudinal heat-seal.” Appellants submits that the examiner is in error as the figures from Schneider clearly show, does not teach the formation of triangles or wings on the sides of or lateral to the longitudinal seal 20 of the Schneider web, it teaches the formation on these web extensions 37 along and into the center line of the longitudinal seam 20 of Schneider’s container. The examiner believes that Schneider clearly discloses and teaches the formation of triangles or wings on the sides of or lateral to the longitudinal seal 20, see for example (Fig. 1, via self standing folds 22 located on the sides of or lateral to the longitudinal seal 20).

For the above reasons, it is believed that the rejections should be sustained.

ST.

December 11, 2003

Conferees

Rada, Rinaldi Kim, Eugene EUGENE KIM  
PRIMARY EXAMINER

M. LAWRENCE OLIVERIO  
C/O WOLF, GREENFIELD & SACKS, P.C.  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2211